



Appeal Decision

Site visit made on 17 January 2022

by M Ollerenshaw BSc (Hons) MTPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 February 2022

Appeal Ref: APP/A5840/W/21/3281585

24 Dulwich Village, London, SE21 7AL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs John and Sarah Arthur against the decision of the Council of the London Borough of Southwark.
 - The application Ref 21/AP/1986, dated 8 June 2021, was refused by notice dated 5 August 2021.
 - The development proposed is for demolition of existing dwellinghouse and construction of a two storey 4 bedroom 5-8 person accessible single family dwellinghouse incorporating PV Panels, air source heat pumps; associated front and rear landscaping and associated works to trees.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. I note that in Part E of the appeal form it is stated that the description of development has changed from that stated on the application form. Written confirmation agreeing to this change has been provided. Accordingly, the description of development in the heading above has been taken from the appeal form.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the surrounding area, including whether or not it would preserve or enhance the character or appearance of the Dulwich Village Conservation Area.

Reasons

4. The appeal site is located within the Dulwich Village Conservation Area (CA). Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
5. This part of the CA predominantly comprises terraced, semi-detached and detached dwellings, with some variation in sizes and styles of properties. There are however other uses evident within the surrounding area, including junior and infant schools, a parade of shops and St Barnabas Hall, a Grade II listed building located opposite the appeal site. Properties within the surrounding area are generally set within large plots and are set back from the road behind fences and/or hedges. The extensive tree coverage and landscaped gardens

create a sylvan setting. I consider that the significance of this part of the CA derives from its many buildings of good architectural quality within a pleasant and spacious village setting.

6. The appeal property is a 1920s two storey detached dwelling which is set back from the road and is located in a row of early twentieth century properties in the Arts and Crafts style. It includes a driveway and garden to the front, an attached garage to one side and a larger garden to the rear, beyond which are playing fields.
7. Aside from the single garage, which appears to be a later addition, the building has a pleasing symmetrical appearance when viewed from the front owing to the well-proportioned hipped roof, an even number of sash windows either side of a central brick section, which includes the front entrance. The property has a more informal appearance to the rear, which includes a single storey extension. The property has a noticeably lower ridge height than the immediate neighbouring properties and sits comfortably within the plot, resulting in a modest and unassuming appearance which contributes to a sense of openness along this stretch of Dulwich Village.
8. There are some differences between the external appearance of the appeal property and its neighbours; it does not include the decorative projecting gables and bow windows typically found in the area. However, it also shares some similarities such as a largely uniform building line, its hipped roof, prominent chimney stacks and white rendered finish. Whilst it is not specifically identified in the Dulwich Village Conservation Area Character Appraisal, as part of a coherent group of properties of the same period, the appeal property makes a positive contribution towards the character of the CA. It also has some historical value as illustrating the development of this part of Dulwich Village.
9. It is proposed to demolish the existing building and replace it with a single dwelling which in design terms is inspired by the Arts and Crafts style. Given the foregoing reasoning that, in my view, would be inherently harmful. Whilst I accept the proposal is for a building of similar style, it would be inauthentic, and it would be extremely difficult to emulate the materials or detailing of the existing property in a manner which does not appear intrinsically modern. The appellants contend that the existing dwelling is compromised in terms of space. However, from my own observations, I consider that the building provides relatively spacious and well-proportioned accommodation. Whilst accepting that it does not suffer from any significant decay, the appellants state that the structure of the existing building precludes its re-use and that the cost of repairs and maintenance would not be justified.
10. However, there is no substantive evidence before me to indicate that the building is not capable of being retained or that the repair option is unviable. The case for demolition appears in part to be based on the age of the property, an argument which, if accepted, could make it more difficult to resist further planning applications for similar proposals, the cumulative effects of which could be significantly harmful. It has not been demonstrated that the building cannot be upgraded to suit modern living and meet Building Regulations requirements Part L, or that demolishing it is the only possible course of action. The loss of a building that currently contributes positively to the CA would cause harm.

11. The proposed dwelling includes design elements which seek to emulate the neighbouring properties, such as sweeping roofs, tall projecting gables and bow windows. There is no dispute between the main parties that the proposal would be constructed in high quality materials. The ridge of the new building would be set at around the same overall height as the neighbouring properties on either side.
12. Although the proposed replacement dwelling would be set slightly further back into the site, it would have larger overall proportions than the existing with a greater massing due to the increase in height, tall projecting front gable, deeper plan and infilling of the space above the garage. The plot ratio drawing indicates that the proposed dwelling would cover approximately 23% of the plot. However, due to its proximity to the side boundaries of the site and substantial scale and massing, the proposal would appear cramped and at odds with the prevailing open and spacious character of the area.
13. Although some screening would be provided by the mature evergreen trees to the front of the site and in neighbouring gardens, given the increased scale and massing of the proposal it would be clearly visible within the street scene, particularly when viewed head-on from the road. Furthermore, as part of the appeal scheme it is proposed to prune the mature Yew tree in the front garden which would further open up views of the site.
14. Whilst I acknowledge that the design of the proposal has been revised since a previous application¹, and notwithstanding that its design reflects some of the characteristics of neighbouring properties, I consider that the proposal would be a prominent and visually intrusive addition to the street scene.
15. Whether or not the appeal property should be considered in its own right as a non-designated heritage asset, I have found harm to the significance of the CA which is a designated heritage asset. I consider, given the mitigating factors in terms of the design of the replacement proposed, and as only a small part of the CA as a whole would be affected, that the proposal would lead to less than substantial harm to the significance of the CA. In relation to designated heritage assets, paragraph 202 of the Framework indicates that where there would be harm that is less than substantial, as in this case, it must be weighed against the public benefits of the proposals. However, great weight should be given to an asset's conservation.
16. The new dwelling would be of modern construction with improved energy efficiency. However, it has not been demonstrated that the energy efficiency of the existing building cannot be upgraded to modern standards, which limits the weight that can be given to this matter. The benefits from increased tree coverage on the site with associated biodiversity enhancements would be limited given that the development relates to a single dwelling. The appellant argues that the existing building is not protected against flooding and that the proposal would reduce flood risk by raising the existing floor level by 350mm. However, the site is within Flood Zone 1 and on the basis of the evidence before me is not at significant risk of flooding. The proposal would have economic benefits through employment opportunities created during the construction phase of the development. However, given the modest scale of the development proposed, the weight attributable to these matters is limited and would not outweigh the harm I have identified.

¹ Council Ref 20/AP/0990

17. For the above reasons, I consider that the development proposed would cause unacceptable harm to the character and appearance of the surrounding area and it would fail to preserve or enhance the character or appearance of the CA. Accordingly, the proposal would conflict with saved Policies 3.15 and 3.16 of the Southwark Plan (2007) and Strategic Policy 12 of the Southwark Core Strategy (2011), which, amongst other things, seek to ensure that development is of a high quality of design which preserves or enhances the character or appearance of conservation areas. It would also conflict with Policy HC1 of the London Plan (2021) and national policy outlined in the Framework, where these require development proposals affecting heritage assets to conserve their significance.

Other Matters

18. I am mindful that no objections have been received from neighbouring residents in relation to this proposal, but this is not a ground for allowing the appeal unless founded upon valid planning reasons. I have found harm in this instance.
19. I note that the appellants' raise concerns with the way the Council has handled the application. However, that is a procedural matter which does not impact on my assessment of the planning merits of the case.

Conclusion

20. For the above reasons, having considered the development plan as a whole, the approach in the Framework, and all other relevant material considerations, the appeal should be dismissed.

M Ollerenshaw

INSPECTOR